

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**v.**

**DAVID FOLKENFLIK, ET AL.,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO.**

**4:18-CV-00442-ALM**

---

**JOINT REPORT ON PARTIES' CONFERENCE REGARDING THE PRODUCTION OF  
ELECTRONICALLY STORED INFORMATION AND HARD COPY DOCUMENTS**

---

Pursuant to the Court's sealed June 5, 2020 Order granting in part and deferring in part Defendants' Motion to Compel Discovery (Dkt. 147), counsel for Plaintiff Ed Butowsky ("Plaintiff" or "Butowsky") and counsel for Defendants David Folkenflik, National Public Radio, Inc., Edith Chapin, Leslie Cook and Pallavi Gogoi (collectively, "Defendants" or "NPR") (and, together with Plaintiff, the "Parties"), met and conferred to formulate a draft ESI protocol to govern the discovery and examination of items subject to disclosure as a result of the Court's Order on Defendants' Motion to Compel Discovery (Dkt. 85) (the "Motion").

The Parties have developed the attached Joint Stipulation and Proposed Order Regarding E-Discovery (the "ESI Protocol") to govern discovery in this case. The ESI Protocol contemplates a forensic examination of Plaintiff's accounts and devices and includes key word searches so as to control costs and to keep discovery proportional to the needs of this case. The Parties' agreed-upon search terms are incorporated in the Agreed Order accompanying this report and attached hereto as Exhibit A. The Parties respectfully request that this Court enter the accompanying proposed Agreed Order to govern discovery procedures in this litigation in this case.

Respectfully Submitted,

By: /s/ Laura Lee Prather

Laura Lee Prather  
State Bar No. 16234200  
laura.prather@haynesboone.com  
Wesley D. Lewis  
State Bar No. 24106204  
wesley.lewis@haynesboone.com  
HAYNES AND BOONE, LLP  
600 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Telephone: (512) 867-8400  
Telecopier: (512) 867-8470

David H. Harper  
State Bar No. 09025540  
david.harper@haynesboone.com  
Stephanie N. Sivinski  
State Bar No. 24075080  
stephanie.sivinski@haynesboone.com  
HAYNES AND BOONE, LLP  
2323 Victory Avenue, Suite 700  
Dallas, Texas 75219  
Telephone: (214) 651-5000  
Telecopier: (214) 651-5940

David J. Bodney  
*admitted pro hac vice*  
bodneyd@ballardspahr.com  
Ian O. Bucon  
*admitted pro hac vice*  
buconi@ballardspahr.com  
BALLARD SPAHR LLP  
1 E. Washington Street, Suite 2300  
Phoenix, Arizona 85004-2555  
Telephone: (602) 798-5400  
Telecopier: (602) 798-5595

***Attorneys for Defendants***

By: /s/ Ty Odell Clevenger

Ty Odell Clevenger  
Texas Bar No. 24034380  
P.O. Box 20753  
Brooklyn, NY 11202-0753  
979-985-5289 (phone)  
979-530-9523 (fax)  
tyclevenger@yahoo.com

Steven S. Biss (VSB # 32972)  
300 West Main Street, Suite 102  
Charlottesville, Virginia 22903  
Telephone: (804) 501-8272  
Facsimile: (202) 318-4098  
Email: stevenbiss@earthlink.net  
(*admitted pro hac vice*)

***Attorneys for Plaintiff***

**CERTIFICATE OF SERVICE**

On June 25, 2020, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Eastern District of Texas, and therefore have served all counsel of record electronically through the Court's ECF system.

/s/ Laura Lee Prather

Laura Lee Prather